

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KYLE GREGORY STONE,

Plaintiff,

v.

RICHARD HARBAUGH,

Defendant.

Case No. 1:23-cv-10855

Honorable Thomas L. Ludington
United States District Judge

Honorable Kimberly G. Altman
United States Magistrate Judge

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

This matter is before this Court upon Magistrate Judge Kimberly G. Altman’s Report and Recommendation (R&R), ECF No. 26, recommending that this Court deny Defendant’s Motion for Summary Judgment on the Basis of Exhaustion, ECF No. 19.

Although the R&R states that Plaintiff could object to and seek review of the R&R within 14 days of service, neither Party objected. They have therefore waived their right to appeal Judge Altman’s findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Altman’s Report and Recommendation, ECF No. 26, is **ADOPTED**.

Further, it is **ORDERED** that Defendant’s Motion for Summary Judgment on the Basis of Exhaustion, ECF No. 19, is **DENIED**.

This is not a final order and does not close the above-captioned case.

Dated: May 10, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge